

AMERICAN HISTORICAL ASSOCIATION.

---

LORD BALTIMORE'S STRUGGLE WITH  
THE JESUITS, 1634-1649.

BY

PROF. ALFRED PEARCE DENNIS, PH. D.,  
SMITH COLLEGE.

---

(From the Annual Report of the American Historical Association for 1900,  
Vol. I, pages 105-125.)

---

WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1901.

FEB 3 1903  
D. of D.

AMERICAN HISTORICAL ASSOCIATION.

---

LORD BALTIMORE'S STRUGGLE WITH  
THE JESUITs, 1634-1649.

BY

PROF. ALFRED PEARCE DENNIS, PH. D.,  
SMITH COLLEGE.

---

(From the Annual Report of the American Historical Association for 1900,  
Vol. I, pages 105-125.)

---

WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1901.



---

VI.—LORD BALTIMORE'S STRUGGLE WITH THE JESUITS, 1634-1649.

---

By Prof. ALFRED PEARCE DENNIS, Ph. D.,  
SMITH COLLEGE.

---



## LORD BALTIMORE'S STRUGGLE WITH THE JESUITS, 1634-1649.

---

By Prof. ALFRED PEARCE DENNIS, Ph. D., Smith College.

---

The early colonizers of Maryland, though sprung from a common stock, were not a homogeneous people in their sympathies and antipathies. Maryland soil, as early as the middle of the seventeenth century, had been occupied by three distinct classes of settlers. Clayborne was first in the field with his Protestant settlement on Kent Island, in Chesapeake Bay. Profit, and not piety, was the guiding influence with Clayborne; preemption, and not redemption, gave pith and purpose to his enterprise. Between these Church of England men, backed in their possession by fairly good legal claims, and the later Roman Catholic settlers at St. Mary's there was no more sympathy or community of interest than is indicated in the armed conflict that actually ensued between them. Aside from the sporadic attempts of Clayborne to vindicate his property rights by arms, he and his band have no important formative influence in the early life of the Maryland colony.

Nor was there more community of interest between the Catholic planters on the Potomac and the Puritan band that settled some fifteen years later on the banks of the Severn. Five years had not run their course before Old World animosities had burst into a flame and involved Papist and Precisian in the stern struggle of an appeal to arms. Distrust, prejudice, antipathy, doubly sealed the commission of every actor in this struggle; yet each party represented principles complementary and significant in the splendid development of civil and religious liberty in the Maryland Province. Speaking broadly, it may be said that in the early life of the colony the Roman Catholic was tolerant in religion but narrow in polities, while the Puritan was narrow in religion but in poli-

ties liberal. Historians in retouching the glowing picture of the religious toleration of the Roman Catholic colonists have not unfrequently scouted the Puritan settlers as troublers of a well-ordered system, as Adullamites, drawing into sympathy with themselves the disaffected, the chagrined, the Ishmael brood that takes to the wilderness in explosive self-assertion rather than endure identification with a régime which is considered bad principally because it is not of their own making. It is true that the example of these Puritans in religious matters was one of exclusiveness, narrowness, and ban, and chiefly because this is true the fact should not be ignored that their influence in the early life of the province was liberalizing and wholesome on the political side.

It is the usually accepted view that Maryland was intended by the Calverts as an asylum for Roman Catholics, who were to find upon the banks of the Potomac the Plymouth of the Puritan refugees. Preliminary to an investigation of the second Lord Baltimore's struggle with a body of his coreligionists, it is worth our while to briefly reexamine the question of the purpose of the Calverts in founding the Maryland colony. In the opinion of the writer the purpose of the Calverts in founding the colony was chiefly economic and not religious. Viewed in this light, the subsequent struggle of the lord proprietor of the province with the Jesuits becomes more intelligible.

Any theory that may be accepted in explanation of purpose in the colonization of Maryland leads by natural regress of causes to the status of nonconformists in England at the beginning of the period of American colonization.

Up to the accession of the first of the Stuarts the struggle between the Crown and the Puritans scarcely widened beyond the field of wordy ecclesiastical controversy. The strife of the last of the Tudors, however, with the Catholics represented a grave political exigency, in which the perpetuity of her Government no less than Protestant establishment was at stake. Elizabeth looked upon Catholic intrigues as a challenge to royal authority and met them with a policy of coercion which increased in severity until the day of her death. Under James, the first of the Stuarts, the old policy of religious coercion was continued, but with the important distinction that Catholic and Puritan exchanged positions as objects

of royal hostility. Precisely the causes which brought a relaxation of the penal laws against Catholics induced increased severity to the Puritans. The Puritan's abhorrence of prelacy was as strongly marked as was James's devotion to an Erastian church system. The struggle to preserve his autonomy took form in a contest with the Presbyterian clergy of Scotland before James came to the English throne. Melville, second only to Knox as a figure in Scottish ecclesiastical history, had assumed the leadership in a contest with the civil power which culminated sixty years later in open rebellion against Charles I. The democratic drift of Melville and his coreligionists had its genesis in Geneva, was nourished in Scotland, extended across the border, spanned the ocean, and is witnessed anew in the strife of settlers in the American wilderness for political equality. James, soured by Presbyterian affronts across the border, recorded his experience at a later day in his reply to Dr. Reynolds at the Hampton Court conference. "If you aim," declared he, "at a Scottish Presbytery, it agreeth as well with monarchy as God with the devil. Then Jack and Tom and Will and Dick shall meet and censure me and my council."<sup>1</sup> As the strength of the Puritan faction in England increased, the apparently irreconcilable parties of the opposition were drawn together for common defense. Long before Puritanism had gained absolute control in the days of the overthrow of Charles I the forces of the court, the established church, the Catholics, and the Arminians had practically joined hands against the common enemy. The hatred James bore the Puritans and his natural clemency to the Catholics were further emphasized as early as 1616, when the King entered upon negotiations for the marriage of Prince Charles to the Spanish infanta. For seven years these negotiations dragged on through the tedious mazes of royal protocols and papal dispensations. It was precisely within these years when the penal laws against the Catholics were virtually suspended, when scores of Catholic lords and knights were in the enjoyment of high public trusts, and the royal purpose pointed to a wider indulgence than had been known for half a century, that George Calvert projected his scheme of western empire. As early as 1620 he obtained a grant of

<sup>1</sup> Fuller, Church History, III, p. 210.

that portion of the island of Newfoundland lying between the Bay of Bulls and Cape St. Marys. The grant erected into a province was called Avalon. Sir William Alexander, to whom the first grant of Nova Scotia was made, writes at this period:

Master Secretary Calvert hath planted a company at Ferriland, who both for buildings and making trial of the ground hath done more than was ever performed by any in so short a time, having on hand a brood of horses, kowes, and other bestials, and by the industry of his people he is beginning to draw back yearly some benefits from thence.<sup>1</sup>

All the evidence goes to show that Calvert obtained his grant for purposes of exploitation. There is not a hint to confirm a theory that he was seeking to provide an asylum for persecuted Catholics in the Western World. The Avalon venture proved a bad investment. When Calvert visited his Avalon plantation in 1627, he found that the glowing picture of its natural advantages had been overdrawn. He writes a pitiful letter to King Charles asking for a grant in Virginia, with such privileges as King James had been pleased to grant him. Without waiting for a reply, he sailed for a more genial clime, reaching Virginia in the autumn of 1629. The "privileges" he sought from Charles were finally granted in a charter modeled upon the Avalon patent. In their salient features the two instruments are identical. Both were no doubt drafted by Calvert's own hand; both contain empty stock phrases about the pious purposes of the grantee, and both contain ambiguous passages regarding ecclesiastical organization that practically left the way open to toleration. If it can not be insisted with reason that the Avalon colony was planted as a retreat for Roman Catholics, no more can the common opinion be justified that the Maryland grant was obtained with like purpose, unless perhaps it can be shown that Calvert was a Protestant when he planned his Avalon colony and a Catholic when he sought his Maryland grant. And this is precisely the opinion that is entertained by a number of eminent authorities. They are convinced that George Calvert, after forming the design of planting the Avalon colony, became a convert to Catholicism and that in consequence of religious scruples he, in 1624, retired from the state secretaryship.

---

<sup>1</sup> Horace Walpole, *Authors of England*, p. 313.

It is reasonably certain that George Calvert was an adherent of the Church of Rome before the Avalon charter of 1623 was granted. The public acknowledgment of his fidelity to the mother church has been commonly accepted as a cause of his withdrawal from office. It was, however, simply a mask to cover his defeat by Buckingham. The divergent aims of the two in the Spanish match negotiations and the ultimate triumph of Buckingham in his programme of opposition furnish evidence that Calvert's political career received its death-blow upon the collapse of the proposed marriage alliance.

Calvert was the only secretary employed in the Spanish negotiations. In the reaction which represented the utter defeat of his policy and the triumph of Buckingham, Calvert openly avowed his attachment to the Church of Rome and, urging religious scruples for his action, resigned his office in February, 1625.<sup>1</sup>

Though driven from power by Buckingham, Calvert continued to enjoy the favor of James and his son. He was created Baron of Baltimore and left free to pursue those plans, upon which his mind had been set for years, of empire beyond the sea. A decade of costly experiment closed with the grant of Maryland, "a grant the most ample and sovereign in its character that ever emanated from the English Crown."

Material interest was the moving purpose of the first Lord Baltimore's successful attempt to establish a permanent settlement in the Western World. It was the design of Lord Baltimore to assure to himself and to his successors the dignity and authority of the counts-palatine of the Middle Ages. The Maryland charter expressly confers upon the proprietary that species of local absolutism exercised from mediæval times by the bishops of Durham as counts-palatine.<sup>2</sup>

That the first Lord Baltimore was a man of lofty integrity is unquestioned. That he, as a zealous Catholic, was actuated chiefly by the desire of promoting the spiritual interests of his coreligionists in founding the Maryland colony is a claim which he, as an honest man, could not have made for himself

<sup>1</sup> Eggleston, *The Beginnings of a Nation*, p. 260. *Vide* copy of original from British Museum additional MSS. 27962 C, containing Salvetti's contemporary account of the considerations which led Calvert to retire from the secretaryship; also Gardiner, *England under Buckingham and Charles I*, Vol. I, p. 156.

<sup>2</sup> Eggleston, p. 236, note 12.

in his own day, and a claim which should not be made for him in our day. Cecilius Calvert, the second Lord Baltimore, "heir to his father's plans as well as to his father's plantation," reflects as though in a mirror the religious temper and the purposes of George Calvert. The second Lord Baltimore sent over his first colonists to Maryland in 1634. Of these adventurers who seated themselves at St. Marys, near the banks of the Potomac, a very considerable number, if not a majority, were Protestants. Father Henry More writes to Rome, "by far the greater part of the colony were heretics."<sup>1</sup> The father provincial writes to Rome, less than seven years after the founding of the colony, "three parts of the people or four at least are heretics."<sup>2</sup> The numerical strength of the Protestants in Lord Baltimore's original Maryland expedition goes to uphold the position that Maryland was never intended and never became an asylum for Catholic refugees. Hands and not hearts were primarily considered in recruiting laborers for the vineyard of the Calverts in the western wilderness. The political balance of power vested in the Catholics through their intellectual and financial supremacy remained with them for fifteen years after the landing of the original settlers. Cecilius Calvert had the foresight to perceive that the colony could not be successfully planted without Protestants, but he was wise enough to understand that Protestants would not embark upon the enterprise unless religious freedom should be guaranteed by the Catholic proprietary, and that Protestant England with a Parliament of puritan temper would not for an instant tolerate the erection of a distinctly Roman Catholic government within the bounds of her territorial jurisdiction. Toleration of Protestants was all of a piece with the opportunist policy of the proprietary. That George Calvert had actually arranged with the Jesuit fathers for planting, in Maryland, a colony where his coreligionists would enjoy all the privileges of a Catholic country is a matter of record. Certainly the Society of Jesus expected this, and jurisdiction was not settled before 1638.<sup>3</sup>

<sup>1</sup> Records English Province S. J. v. 3, series 7, p. 364.

<sup>2</sup> Paper headed "*cases*." Vol. IV, Stoneyhurst MSS. Copy held at Woodstock College, Woodstock, Md.

<sup>3</sup> Letter of Father Copley to Lord Baltimore, No. 2, Calvert Papers I, and other letters in same collection sent from Maryland to Lord Baltimore in 1683, protesting bitterly against the laws that subordinated the spiritual to the temporal authority. The tone of the letters indicates that spirituals had been led to expect greater privileges in the colony.

Less than five years after the planting of the colony Baltimore was forced into a struggle with the Jesuits by the discovery that they had already secretly acquired Indian lands within the territory defined by his patent. Their persistence in disputing his "authority and dominion" aroused him to coercive measures as early as 1638 and led him to embody an act for toleration in a code of sixteen laws sent over by him in 1648 for passage. In the meantime toleration had been, for politic reasons, the unvaried habit of the community for fifteen years. The toleration act sent over with the sixteen laws is to be regarded as one factor of a triple scheme for curbing the power of the Jesuits. It was the intention of the proprietary to swamp Jesuit influence by opening wider the door to Protestant immigration. He went further, setting up a Protestant administration under William Stone, of Virginia, and finally the society's hopes of spiritual independence, founded upon material sufficiency, were crushed by forcing to a passage stringent laws which absolutely forbade the acquisition or ownership of Maryland lands by trusts, societies, or corporations without the express consent of the proprietary. The entire scheme, which was not accepted by the people until April, 1650, embraced as perfected the body of the sixteen laws, the restrictive conditions against the acquisition of land by the Jesuits, and such special favorable conditions to Protestant settlers as would assure their preponderance in the colony. Here we have some guiding principles that enter into the apparently enigmatical dealings of the second Lord Baltimore with his Catholic settlers in Maryland. Baltimore's course in the encouragement of Protestant propagandism and in the setting up of a Protestant government becomes at once consistent and explicable; the passage of coercive laws in part by Catholics against their spiritual brethren no longer baffles all attempts at rational analysis.

The records show that the Society of Jesus directly and indirectly brought into the colony during the first five years of its existence some sixty persons.<sup>1</sup> The Jesuit fathers evidently expected more liberal treatment than they found. The earliest records extant in the Maryland archives date from 1637-38,

<sup>1</sup> Calvert Papers, I, pp. 164-5, 167-8, 203, 205. Assembly Proceedings, I, Maryland Archives, Calendar, p. xiii. Also Fr. Copley in Calvert Papers, I, p. 167. Father More's Twenty Cases. Md. Hist. Soc. Fund Pub., No. 18, pp. 73, 79.

the records for the antecedent period of four years are almost altogether missing, but the amazed protests and the deprecatory tone of the Spirituals as recorded in the letters of 1638 in the Calvert Papers go to show that the society expected, and were ready to contend for privileges which had been withdrawn from the mother church by constitutions and statutes dating from the settlement of Clarendon (1664) to the dissolution of the monasteries (1540).<sup>1</sup>

The old drama of Beket and the Plantagenet Prince was reenacted on Maryland soil. The duel once more was preparing of the men of letters and of the keys against the men of laws and of the sword. As early as 1638 penalties were denounced against the acceptance of Indian lands for the use of any other than the lord proprietor, and the "Romish" clergy were also spiritually quarantined by the erection of the fourteenth century barriers of *præmunire*. Not only was *præmunire* reenacted in the western world, but a score of years of colonization had not elapsed before the English statutes of mortmain dating from the age of Edward I to that of Henry VIII were incorporated as a part of the fundamental laws of the Maryland Province. Special stress was laid by the lord proprietor on the clauses against "uses" or secret trusts, the doctrine of uses being an "invention of ecclesiastical ingenuity to creep out of the prohibition of mortmain."<sup>2</sup>

The earliest code of the province which has been preserved, that of 1637-38, has to do principally with subordinating the spiritual to the temporal authority. While in England both sides were arming for a struggle in which autocracy and feudalism were mortally stricken; while Europe was convulsed with the agonies of a contest that ended, a decade later, in the formal acknowledgment of two new republics, Baltimore, in the Western World, was busily engaged in establishing an absolutism based upon feudal privilege. He intended that his jurisdiction should reflect precisely the position of absolute proprietorship set forth in his patent. He looked upon papal interference as a challenge to his vested rights and persisted in ignoring or defying all threats of ecclesiastical coercion to

<sup>1</sup> Letters from Fathers White and Copley in Calvert Papers, I.

<sup>2</sup> For the laws defining further the relation of the spiritual to the temporal authority in the colony, *vide*. Maryland Archives, Assembly Proceedings, I, pp. 248, 264. Council Proceedings, I, pp. 196, 227, 237. Calvert Papers, I, pp. 164, 192, 213, 219. Md. Hist. Soc. Fund Pub., Nos. 7 and 18.

the day of his death.: It was the purpose of Baltimore to introduce a feudal system whose burdens, heavier than England had known since Magna Charta, included both knight service and aids in money. It was through no lack of purpose on the part of the proprietary that outworn feudalism languished upon the soil of the new world. The plans of Baltimore contemplated the division of the province into baronies and manors. Under this system the lord of a manor must pledge the maintenance of twenty men to secure the property and pay 20 shillings annually on every 1,000 acres of land acquired. It was not enough for the manorial lord to equip for battle and maintain in the field 15 freemen; he must also recognize the authority of the muster master and accept unquestioningly all the fines, forfeitures, and punishments this functionary might impose.<sup>1</sup> In 1638 the Jesuits held at least one manor. The superior of the mission and two other fathers were twice summoned to the provincial assembly that passed the anti-ecclesiastical laws, but twice declined to appear.<sup>2</sup> In this they followed an English precedent set in 1295—the clergy at that time perceiving that their presence in Parliament, only sought for the purpose of gaining their assent to taxation, placed many difficulties in the way of attendance, and finally withdrew to convocation. The clergy of Maryland, while relieved from knight service under the feudal laws, appear to have borne some share of the burden of taxation despite the personal appeal of the superior in 1638 to the proprietary for relief from both taxes and service.<sup>3</sup> But this was not all. Causes matrimonial and testamentary were from the early months of 1638 under civil and not spiritual control, if only through Secretary Lewger's commission from Baltimore. This state of affairs did not obtain in contemporary England and was regarded as an unprecedented step.

<sup>1</sup> Father Copley's letter of 1638 to Lord Baltimore reviews the onerous features of the manorial system; expresses the opinion that few will tarry in the country if the institution referred to be permently established.—Calvert Papers, I.

<sup>2</sup> Father Copley writes to Lord Baltimore: "It was not fitt that we should be there (meaning the provincial assembly) in person and our Proxis would not be admitted in that manner as we could send them and therefore we were excluded thence; soe we did not intermeddle with them." He goes on to add, apparently smarting under the obnoxious anti-ecclesiastical laws passed a few months before: "You may be confident that John Lewger's lack of confidence in us is of the nature of 'mere frivilous suspitions of his owne, without any true ground.'" "Truly," he adds, "the devill is very busy here to raise such lyke apprehensions."—Calvert Papers, I, p. 158.

<sup>3</sup> Calvert Papers, I, pp. 157-166.

Small wonder, then, that Father Copley predicts the ruin of the province, and with a show of reason complains of the arbitrary character of a government under which an indefinite exercise of authority without lawful commission from the lord proprietor is placed in the category of an "enormous crime."<sup>1</sup> "Things have come to a dreadful pass," protests the pious father, "when even by Catholiques a law is provided to hange any Catholique bishop that should come hither, and also every priest, if the exercise of his functions be interpreted jurisdiction or authority." To rationally explain the passage of laws obnoxious to Catholics by a legislature under Catholic control requires a brief examination of the ingenious use of the proxy by the men who sat in the councils of early Maryland. By skillful manipulation of the proxy, political control, originally vested in the Catholics, remained in their hands several years after the Protestants had certainly gained a numerical preponderance in the colony. More than this, the most powerful proxy rights had been absorbed by the agents of the proprietary. Hence the frequent passage of legislative acts that were repugnant to a majority of the population, Catholic as well as Protestant.

The proxy power was greatly abused in the Maryland Province as early as 1637-38. In 1642 fourteen persons, through ingenious manipulation of proxies, cast the vote for all the freemen of the colony. Elaborate attempts have been made to prove that as the Protestants were in the majority in the first colonizing expedition, their preponderance continued after the planting of the colony, and that to this fact was due the passage of laws repugnant to the Catholic interest. Now, though it be a fact that the Protestants were numerically stronger than the Catholics in the original expedition, and though this predominance in numbers never at any time declined during the life of the colony, this fact does not prove for a moment that the anti-Catholic laws of 1637-38, of October, 1640, and of September, 1642, owe their origin and passage to Protestant majorities. Far from it. The political as well as social control of the colony was lodged with the Catholics for fully fifteen years after the landing of the pioneer settlers. That the Protestants had sufficient political influ-

<sup>1</sup>An offense denominated "enormous" was punishable by death under the laws of 1637-38.

ence to pass a single law before the middle of the century without the aid of Catholics is not susceptible of proof from an ingenuous use of the records. The Protestants who joined the first expedition were plain men of the field and forge. They belonged chiefly to the class of redemptioners and indentured servants. The artisans and skilled laborers received lands in three years, and were eligible to sit in the assembly of 1637-38. Unskilled laborers bound to service did not become freeholders in time to sit in this assembly, and there can be no doubt that its personnel was overwhelmingly Catholic. But even should we grant for a moment that a majority of Protestants ever sat in a provincial assembly during the first decade of the colony's history, Protestant control would not be a necessary sequence of such an assumption. The shrewd manipulation of proxies, possessed by the Catholics, renders idle and inconclusive any comparison of political influence based upon mere numbers. Father More's statement is often quoted to show that political power and control had passed to the Protestants by 1640 or 1641. Father More writes that at this time Secretary Lewger called an assembly composed almost entirely of heretics. This assembly, however, of 1640-41, "composed with a few exceptions of heretics," was not a general assembly of the freemen, but a body made up of elected burgesses and of counsellors summoned by special writ. Of the active members in the assembly, Brent, Greene, Lewger, Lusthead, Pulton, and Fenwick were Catholics and men of influence.<sup>1</sup>

Laws obnoxious to the Jesuits were passed in 1637-38 by Catholics through means of the proxy, thirteen men controlling the entire vote of the province. In the assembly of 1640 the laws inimical to the Jesuit Society would have been repealed but for the opposition of such good Catholics as Giles Brent, Gerard, and Greene.<sup>2</sup> Leonard Calvert, who failed to share his brother's suspicions of the Jesuits, and his secretary, John

<sup>1</sup> Assembly Proceedings, I, pp. 10-12, 94, 95. See also Fr. Copley's letters, Calvert Papers, I, and Fr. More's Memorial, Md. Hist. Socy. Fund Pub. No. 1.

<sup>2</sup> Brent throughout was a Catholic, and allied with the opposition. He cast the entire vote of the island and county of Kent in the assembly of 1642. Gerard was a Catholic, whose wife was a Protestant, and whose brothers-in-law are said to have conducted Protestant services in a chapel dedicated to the Anglican service. Gerard was in later times fined 500 pounds of tobacco for secreting the key and carrying away the books of said chapel. Greene's religion was of the prudential sort, but he died a Catholic, leaving a bequest to that church.

Lewger, more than once stood alone against all the rest; Leonard Calvert undoubtedly favored the society in derogation of his brother's wishes, but was finally forced into conformity by a scathing letter from Baltimore's pen directing him, at all hazards, to humble the society or else be chargeable of betraying the proprietary to the "greatest dishonor and prejudice that ever one brother did another." He strictly enjoins Governor Calvert to pass no more grants of land to the Jesuits under any pretense whatsoever.<sup>1</sup>

In the assembly of 1642 twenty-two persons are named; but again and again the whole vote was controlled and cast by fourteen persons.<sup>2</sup> Of these fourteen persons in turn two members often controlled the entire vote. These two men were Brent and Cornwallis. Their combined strength summed up as high as one hundred and twenty out of a total of one hundred and ninety-one voices actually represented. They united in this session to oppose the administration, and straightway the administration concerted measures to break up this powerful coalition. Three days after adjournment of the session Cornwallis was tendered the councillor's oath, and of course refused it, and within a month Brent was impeached by Lewger, attorney-general for the lord proprietor. And here began the strife and jealousies that lasted through the Chapel-house litigation and even far beyond the "Ingle rebellion." In the troubles of 1647-48 Brent was again considered the factious spirit by Lord Baltimore.<sup>3</sup> Cornwallis's religion is a question of controversy. It is by no means clear that he was a Protestant, and it is reasonably certain that he was the friend, champion, and attorney of the Society of Jesus in the province. If further evidence were needed on the point of Catholic control, additional testimony, up to the date in which it was written, is furnished by Father Copley's letter of April 3, 1638.<sup>4</sup> It plainly shows that the attitude of the society was one of defiance. Threats of excommunication are repeated, and he bitterly complains of Secretary Lewger's unrestrained manipulation of the proxy. John Lewger throughout is

<sup>1</sup> Calvert Papers, I, p. 219, 220.

<sup>2</sup> In regard to this point in particular and others in general the writer gratefully acknowledges the assistance of his friend, John M. Mackall, esq., whose familiarity with the early Maryland records renders his conclusions most valuable and of decisive weight upon certain important moot questions in the period under consideration.

<sup>3</sup> Council Proceedings, I, 126. Also, Assembly Proceedings, I, 214, 215, 220.

<sup>4</sup> Calvert Papers, I, 157, 169.

blamed by the Jesuits for a policy approved and carried out by the proprietary. He was a convert from Protestantism, and had been commissioned by Lord Baltimore secretary of the province in April, 1637.<sup>1</sup>

From the date of the first recorded public proceedings of the Maryland Colony to the critical period of 1649-50 the land question was paramount. The possession of great tracts of land by the society and their eagerness to secure further acquisitions might have aroused a man less jealous of vested interests than was Lord Baltimore. But beyond this a broader question was mooted, which, had it been settled within lines of the society's programme, would have shorn the proprietary of every vestige of territorial sovereignty. The still currents of political life, but slightly ruffled by Old World conflicts between the ecclesiastical and civil powers, grew more tempestuous in Maryland as the result of contentions over property rights. Finally the more moderate designs of the Jesuits were eclipsed by struggles of broader and more vital character, and the government of the Calverts was shaken at its base. The society disputed Baltimore's title to any lands within the province not ceded to him by the Indians. They questioned, again and again, the right of the English Crown to grant Indian lands, and distinctly and derisively denied the validity of his Lordship's claims as against the Indian "kings." The very title bestowed upon the patentee by the charter was derisively referred to as an assumption. The fathers profess themselves ready to shed their blood in defense of the faith and the liberty of the church. It may be noticed throughout that defense of property rights is the real point at issue when defense of the church is proclaimed.<sup>2</sup>

Baltimore was not blind to the forces that rendered the opposition cohesive. He was not slow to appreciate the gravity

<sup>1</sup> Copley notes that "others complained very much that by the many proxies which the governor, Mr. Lewger, and there instruments had gotten, they did what they would without any restraints at all." He referred to Lewger's evident distrust of the society and assures Baltimore that these adverse views are "mere frivilous suspitions of his owne, without any true ground." "Truly," he sagely adds, "the divill is very busie here to raise such lyke apprehensions." Father More, in his Memorial to Propaganda, 1641-42, charges Lewger with retaining much of the leaven of heresy, since he maintained the dogma so offensive to Catholic ears, that no external jurisdiction is given by God to the supreme pontiff, but merely an internal one. "In foro conscientiae."—From the record of the English Provinces of the Society of Jesus. Vol. VII, p. 363.

<sup>2</sup> Father More's Memorial to Propaganda, 1641-42, pp. 79, 83, Johnson's Foundation; the author quoting from the Jesuit Archives. Also Father Copley's letter of 1638 in Calvert Papers, I.

of the challenge. He looked upon the society as a possible bar to the ultimate success of the dearest design of his life. He regarded the acquisition of land by them as repugnant to his chartered rights. He looked upon their assumption of spiritual independence as a challenge to authority, more sovereign in the plenitude of its powers than that of half the contemporary German princehoods. His fears of the society gave him no rest. He found no mental equipoise in a compromise that would yield any material advantage to his coreligionists. He rejects all overtures from the fathers for exceptional privileges, and tacitly repudiates any former intimation that the colony is to be governed after the manner of a Catholic state. He is dumb to the society's plea for exemption from the jurisdiction of lay courts, and refuses throughout to lend a complacent ear to the archaic dogma of "benefit of clergy." It was as early as 1638 that he indorses Copley's letter, suggesting immunities and exemptions for Catholics, as "containing demands of very extravagant privileges." From this time on he met the independent and combative attitude of the society in a spirited and aggressive campaign, which was none the less active and determined because its policy was veiled and its methods underground. Late in the year 1641 he issued new conditions of plantation. These conditions contained secret clauses, omitted in the public records but preserved intact in the Jesuit Archives. These secret provisions established in the Maryland province the English Statutes of Mortmain. In addition an oath was exacted of all Maryland landholders under terms of which the grantee solemnly foreswore all rights in lands granted by the Indians and pledged himself to defend, to the limits of his power, the title, right, and royal jurisdiction of the proprietary.<sup>1</sup>

In November, 1642, the proprietary penned a letter to his brother, his vicegerent in the Maryland province. In this letter he betrays his apprehensions and also outlines his programme for future dealing with the society. He speaks of the Jesuits as a "body politic," and declares that a great deal of land has been received by Father White from one of the Indian "kings." The ship which took this letter bore also to Maryland Messrs. Gilmett and Territt. These men, bearing

<sup>1</sup> Maryland Archives, Council Proceedings, I, pp. 99, 101. Extracts from Jesuit Archives in Johnson's Foundation, pp. 67-69.

confidential dispatches to Governor Calvert, are to acquaint him with the "injury" which the Jesuits have offered the proprietary. \* \* \*

The next assembly, in which proceedings of importance are recorded, was held in 1647-48. The tide of opposition now fiercely swollen leaves its marks upon the record of this assembly's proceedings. They were anomalous, irregular, and informed with a spirit of defiance which the language of authority could easily denominate "seditious." While Baltimore was revolving at home the question of fortifying his authority more strongly in Maryland, the settlers on the banks of the Potomac were busying themselves in proclaiming defiance to that authority. A bill for the confirmation of his lordship's patent was "thrown out of the house" as an initial act. A bill for the acknowledgment of his right and another for the support of the proprietorial government were quickly stifled, and a formal protest entered against Leonard Calvert's laws of 1646-47. It was claimed that these laws were void because passed by a house extra-legally, if not illegally, summoned by the governor. The assembly drew up and sent to the proprietary a list of grievances which reflected in a small way the temper of the "grand remonstrance" passed five years before in England by the long Parliament. As a final stroke, they passed a bill appropriating the personal estates of the two Calverts in settlement of debts incurred in the suppression of the unexplained rebellion of 1645-47. How the action of this assembly was received and answered in Maryland is a matter of record; how Baltimore himself met the challenge has been heretofore only a matter of conjecture. Governor Thomas Greene at once challenged the right of the assembly to enter protest against the "pretended laws" of Leonard Calvert.<sup>1</sup> But that this action was dictated by anything more than the perfunctory conscience of officialism is clear enough from the fact that Greene offered to sign the protest himself if the assembly would vote him a house and income. Information of the supineness, not to say duplicity, of his governor came to Baltimore's ears, for Greene, in 1650, was summarily dismissed from the office of councilor, Stone being then governor.

<sup>1</sup> Greene succeeded to the governorship upon the death of Leonard Calvert.

The recovery of the missing portion of this letter, written to his lieutenants in Maryland by Lord Baltimore upon receiving news of the assembly's recalcitrancy, clears up many obscurities that have long perplexed the student of early Maryland history.<sup>1</sup> The important facts in the missing portion of the letter which bear upon this investigation have to do with Baltimore's charge that the factious and rebellious spirit of the assembly of 1647-48 proceeded from the "Deceiptfull Suggestions of Subtle Matchiavilians pretending religion." \* \* \*

Even more interesting is Baltimore's remarkable letter in the light it throws upon the body of laws sent over by the proprietary in the preceding year. His lordship ingeniously asserts that these laws, sixteen in number, had been proposed to him for the "good and quiet settlement" of the colonizers of the province. The declaration was specious. The laws in question were drawn up by Baltimore, probably at the suggestion of Lewger, that they could be employed as an effective weapon of offense and defense against the Jesuits. His lordship instructs the provincial assembly that all or else none of the laws must be passed; that no alteration, addition, or diminution of the laws would be tolerated, and finally he held over their heads the forceful threat that the monopolies, customs duties, and burdensome conditions of plantation under which the colonists chafed should be continued in operation until the sixteen laws were passed.<sup>2</sup> He upbraids the assembly for their delay in assenting to the "said laws sent out by us." He charged them with having secret reasons for not bringing the code to a passage, and plainly insinuates that the Jesuits are acting the part of obstructionists. He presumes the assembly will make no further scruple "of consenting to all of the said laws, and in case the said sixteen laws above mentioned shall be consented unto by the general assembly and enacted as laws there within the time limited as aforesaid, then and not otherwise we shall be willing for the

<sup>1</sup> For Baltimore's reply to action of assembly, 1647-48, see Maryland archives, Assembly Proceedings, I, pp. 262-272. Four-fifths of this important letter, beginning in the seventh line of the printed archives, p. 264, Assembly Proceedings, was missing for more than two centuries, or until 1883. For partial explanation see Calendar XXVI, XXVII, XXVIII (Assembly Proceedings, I), Liber M. C. Bozman—authority. Also Upper House Journal, 1659-60, 1669. Same lettered properly 1649-1669 in printed archives of 1883.

<sup>2</sup> Maryland Archives, Council Proceedings, I, pp. 201, 228.

ease of the people there to allow the one-half yearly of the tobacco customs due unto us to go to the common defense of the province."<sup>1</sup> Now, as certain of the sixteen laws were indispensable to the political well-being of the colony, and as the security of the same depended upon the acceptance of those less favored, and since the obnoxious laws under which they groaned could only be repealed upon condition of the acceptance of a new code entire, the provincial legislature found itself forced into reluctant assent. Thus with the whip of authority in his hand, Baltimore dragooned the provincial legislature into the interesting legislation of 1649-50.

The act of toleration, which gives the year 1649 extraordinary distinction in Maryland annals, was neither the act of Protestants nor of Catholics, as partisan controversial writers, on the one side or the other, have sought to prove. The act was one of the sixteen laws, and was hurried through the provincial assembly under the lash of the proprietorial whip. In the same year Baltimore's code was sent over, new conditions of plantation were issued, and a Protestant government deliberately established by his Catholic lordship. These measures were parts of a triple scheme to defeat the Jesuits and abase the opposition. The body of the sixteen laws denounced penalties to the death against mutinous and seditious speeches; more than this, the English laws of mortmain were again brought forward, and, as if to rid himself forever of his factious coreligionists, he proposed to swamp their influence by encouraging Protestant immigration, and by setting up a Protestant government pledged by statute to guarantee religious toleration. The body of the sixteen laws, then, is but a part of the triple scheme, restrictive conditions in regard to landholding being another, and especially favorable conditions to Protestant settlers in point of a Protestant government and toleration bulwarked by statute being the third. In the matter of encouraging Protestants, Baltimore overshot the mark. In five years he found himself confronted by a party of Protestants stronger and more determined in their opposition than had ever been the Jesuits. Catholics were disfranchised in the colony they had planted, nor did the movement, essentially democratic, stay until it had demanded the downfall of the proprietorial government.

---

<sup>1</sup> *Ibid*, Assembly Proceedings, I, pp. 264, 265, 270.

As early as 1631 the government in the Virginia colony became openly intolerant. Under the hand of Berkeley, the Church-of-England governor, distress fell upon the Puritan settlers on the Nansemond River. Under fire of persecution, two Puritan elders fled to Maryland in 1648. It was probably at their suggestion that Governor Stone issued an invitation to the entire Nansemond congregation to cross over into Maryland. Stone's liberal promises of local self-government and freedom of conscience stimulated the Puritan exodus from Virginia, and caused the refugees to indulge the dream of an independent colony in the new land of promise. They haggled at the words "absolute dominion," and demurred at the obedience due Roman Catholic officers. For a year these refugees remained outside the pale of Lord Baltimore's government, in the full determination to erect upon the shores of the Chesapeake a "civitas Dei"—a church state, to which they gave the reverential name of "Providence." In 1651, in recalcitrant mood, they refused to send delegates to the provincial assembly, and protested against the governor's hostile advance upon the Indians of the Eastern Shore. Stone regarded these acts as rebellious, and required of them an oath of fidelity, on penalty of forfeiture of lands. The Puritans protested against the oath as repugnant to their consciences as Christians, and contrary to their rights as free subjects of England. They denounced the authority of the lord proprietor, for, said they, he is liable to "make null that done in the assemblies for the good of the people." On notice by Stone that writs and warrants should no longer run in the name of the Commonwealth, but in that of the lord proprietor, the Puritans prepared for war. For a time the resort to arms was postponed, but one of the first acts of the ensuing legislative assembly was the disfranchisement of Catholics. This act, though never rigidly enforced, has left a stain upon the records of the colony. Both sides were now arming for a greater contest. As the first score of years was rounded out after the settlement at St. Mary's, the drama of Marston Moor was reenacted upon Maryland soil. Questions were mooting far wider than the sphere of religious controversy. The principles of self-government and civil equality were at stake. \* \* \* The defeat of the loyalists of St. Mary's

was the vindication of the democratic principle in Maryland. Within a generation after the battle of the Severn the Puritan settlement as a political aggregate had become a memory. Yet the last word of his movement had not been spoken. \* \* \* In 1694 the theater of the Puritan struggle received the name of Annapolis and was formally advanced to the political headship of the province.





LIBRARY OF CONGRESS



0 014 366 673 6